



Unified Carrier Registration Plan

Board Meeting Minutes

April 23, 2020

Teleconference

UNIFIED CARRIER REGISTRATION PLAN

Board of Directors Meeting
April 23, 2020

MINUTES

PORTIONS OPEN TO THE PUBLIC

I. Welcome and Call to Order

The UCR Board Chair welcomed attendees, called the meeting to order, called roll for the Board and confirmed the presence of a quorum.

II. Verification of Meeting Notice

The UCR Executive Director verified that publication of the public notice of the meeting on the UCR Plan website and distribution to the UCR contact list via email occurred on April 14, 2020. He confirmed that the public notice was then published in the *Federal Register* (Vol. 85, No. 75) on April 17, 2020.

III. Review and Approval of Board Agenda

The UCR Board Chair called for a motion to approve the agenda pending a discussion or any amendments. A MOTION was MADE and SECONDED to approve the agenda as presented. THE MOTION CARRIED.

IV. Approval of Minutes of the March 12, 2020 UCR Board Meeting

A MOTION was MADE and SECONDED to adopt as presented the minutes from the March 12, 2020 Board of Directors meeting. THE MOTION CARRIED.

V. Discussion of COVID-19 Impact on UCR

The UCR Board Chair led a discussion on the impact of the COVID-19 pandemic on industry, state operations, and UCR collections. The UCR Board Chair thanked everyone on the call for their attendance in this time of uncertainty.

VI. Update on June UCR Training and Board Meeting

The UCR Executive Director updated the Board on planning for the June 8 and 9, 2020 UCR Training and Board Meeting in light of the COVID-19 pandemic. The pandemic has led to the closing and cancellation of events across the US, due to stay at home orders, and closing of interstate borders. The June meeting in Portland has been cancelled at no cost to UCR. UCR will be modifying the in-person training to a webinar, and the Board meeting will take place via teleconference. The Education and Training Subcommittee is working diligently to produce the video training modules. He also notified those that have reservations at the hotel to please cancel those reservations.

VII. Report of FMCSA

FMCSA provided a report on relevant activity and noted that there are four biographies and reappointment letters for board members currently under review at the agency.

VIII. Updates Concerning UCR Legislation

The UCR Board Chair called for any updates regarding UCR legislation since the last Board meeting. No updates were provided.

IX. Recommendation to United States Department of Transportation (USDOT) Secretary to Designate UCR Board Chairperson

The UCR Executive Director asked the Board to consider and adopt a recommendation to the Secretary of the USDOT designating one member of the Board to serve as chairperson of the Board. A MOTION was MADE and SECONDED to recommend to the USDOT that Elizabeth Leaman be reappointed to serve as chairperson of the board. THE MOTION CARRIED.

The Board instructed the UCR Executive Director to send a recommendation letter to the Secretary of the USDOT.

X. Trademark Infringement/Cease and Desist Letter Update

The UCR Chief Legal Officer provided an update to the Board on the status of a cease and desist letter sent to a possible trademark infringer on March 4, 2020. He informed the Board that the website had been taken down as requested in the cease and desist letter and that no further legal action would be necessary. He also set a call to action that, if anybody becomes aware of a possible misuse of the UCR trademark, to please bring the issue to the attention of the UCR Chief Legal Officer.

XI. Proposal to Suspend Collection of UCR Fees for the 2020 Registration Year and Either Refund or Provide a Credit for the 2021 Registration Year to Those Registrants That Have Already Registered and Paid for the 2020 Registration Year

Board Member Monte Wiederhold presented a proposal to suspend collection of UCR fees for the 2020 registration year and either refund or provide a credit for the 2021 registration year to those registrants that have already registered and paid for the 2020 registration year. After discussion, a MOTION was MADE and SECONDED to suspend the collection of 2020 UCR registration fees with a refund or credit made to those who have already paid these fees. THE MOTION FAILED.

XII. Ratify Further Extension of Recommended 2020 Enforcement Date

The UCR Chief Legal Officer led a discussion on a proposed ratification of the decision by the UCR Board Chair and the UCR Executive Director to further extend the recommended 2020 enforcement date to July 1, 2020. After discussion, A MOTION was MADE and SECONDED to ratify the action of the Board Chair and the Executive Director. The MOTION CARRIED.

XIII. SUBCOMMITTEE REPORTS

Audit Subcommittee

A. Update on 2020 State Compliance Reviews

The UCR Depository Manager provided an update on the plans for 2020 state compliance reviews, including contingency plans related to the COVID-19 pandemic.

B. Update on the 2020 New Entrant and Unregistered Solicitation Campaigns

Seikosoftware provided an updated report on new entrant motor carrier campaigns managed by the National Registration System (NRS), new entrant motor carrier campaigns managed by the states, unregistered motor carrier campaigns managed by the NRS, and unregistered motor carrier campaigns managed by the states. All 41 jurisdictions have active solicitation campaigns for 2020 new entrants and 2020 registrants. Seikosoftware has sent 523,000 emails, and noted that every 21 days, those who are still unregistered will receive a solicitation email. Seikosoftware noted that UCR has collected 55% of projected registrations for 2022, which is higher than at the same time in 2019.

C. Update on the Non-Universe Motor Carrier Solicitation Campaigns

Seikosoftware provided an updated report on the solicitation campaign targeting motor carriers identified through roadside inspections to be operating in interstate commerce but identified in MCMIS as either intrastate or inactive. Seikosoftware reported it is still in the process of modifying the NRS to be able to perform these notifications and is in the final stages of testing. Seikosoftware will then be able to program the system to contact those that are not registered.

D. Update on State Carrier Audits and Recommended Extension to July 1, 2020

The UCR Audit Subcommittee Chair reported on state audit activity to date and emphasized the strategy of using Focused Anomalies Reviews (FARs) and MCS-150 retreats. The UCR Chief Legal Officer recommended that the Board ratify the UCR Audit Subcommittee Chair's action to provide a deadline extension to states on their annual carrier audits to June 1, 2020. After discussion, A MOTION was MADE and SECONDED to ratify the Subcommittee Chair's action to provide a deadline extension to states on their annual carrier audits to **July 1, 2020**. The MOTION CARRIED.

Finance Subcommittee

A. Status of 2020 Registration Year Fee Collections

The UCR Depository Manager provided an update on the status of collections for the 2020 registration year and a comparison to 2019 registrations for the equivalent time-period one year ago, to provide perspective on the impact of the COVID-19 crisis. The UCR Plan has collected \$78.6 million 70 days into the registration period. In 2019 the UCR Plan had collected \$66.8 million by that same point in the registration period. Despite the fee reduction, 2020 RYTD collections have exceeded 2019 RYTD. In addition, the UCR Plan has received 70,000 more registrations in 2020 RYTD than in 2019 RYTD.

B. Daily Liquidity Account (DLA) Interest Rate Reduction

The UCR Depository Manager provided an update on the reduction of the interest rate to the DLA held at Truist Bank (formerly SunTrust). He noted that funds are highly liquid and available in 24 hours, yet, due to COVID-19 and the dramatic reductions in interest rates, UCR has seen a dramatic decline in the rate of interest the UCR is currently earning on the DLA.

C. March 2020 Operating Costs

The UCR Depository Manager provided an update on the year-to-date costs of operating the UCR Plan and provided insights into how costs compare with the operating budget. UCR is currently showing \$200,000 favorable to the budget overall, which is due to the auditing program and education and training budgets. The only area exceeding budget is legal, due to UCR's efforts to ensure its meetings are noticed and conducted in accordance with the federal Sunshine Act. The UCR depository made a distribution to states meant to receive funds from the 2015, 2016, and 2018 excess fees that were collected, and administrative collections that were not used in 2015. There were approximately 28 states that received distributions in addition to the distribution of the monthly registration fees collected.

Education and Training Subcommittee

A. Update on Plans to Launch Training Modules

The UCR Education and Training Subcommittee Chair provided an update on plans to launch an initial wave of training modules by June 2020. As of the April 16, 2020 Education and Training Subcommittee meeting, working drafts of the training modules had been sent by

Kellen staff to the Subcommittee members for review. The project is on schedule to produce final training modules by the June 2020 deadline.

XIV. Contractor Reports

- **UCR Executive Director**

The UCR Executive Director provided a report covering recent activity for the UCR Plan. He had been working with Suzanne Stillwell on cancelling the June conference, which has been a success. He is also in the process of creating two letters of recommendation for Seikosoftware to be included in an RFP response to the IRP which will lead to better vehicle data. In addition, the RFP response has been sent to FMCSA on behalf of CVSA. He is also working on finalization of the Kellen contract which is scheduled for discussion in the closed portion of this meeting.

- **DSL Transportation Services, Inc.**

DSL reported on the latest data on state collections resulting from the FARs program.

- **Seikosoftware**

Seikosoftware provided an update on recent/new activity related to the NRS.

- **UCR Administrator (Kellen)**

The UCR Administrator provided its management report covering recent activity for the Depository, Operations, and Communications. There is a list of outstanding invoices from the states. Three states have exceeded their caps and are required to transfer excess funds to the UCR depository. There are one or two issues in the over 90 days old category of receivables, though those monies are very small. Interest earnings will most likely be diminishing moving forward due to COVID-19 implications. The UCR Administrator referred the Board to the information concerning distributions to states mentioned earlier in the meeting. All remaining registration proceeds will be distributed to those states that have not yet met their respective caps by May 15th.

PORTIONS CLOSED TO THE PUBLIC

Pursuant to the Government in the Sunshine Act at 5 U.S.C. § 552b(d)(1), the Board must now vote to approve closing the portions of the meeting dealing with items XV, XVI, XVII and XVIII on the agenda.

The UCR Chief Legal Officer has advised that the Board may, if it votes to do so, close these portions of this meeting pursuant to Government in the Sunshine Act Exemptions (4), (9)(B) and (10). By approving these actions, the Board determines that public participation would likely disclose (i) confidential trade secrets, commercial and financial information of one or more UCR contractors, (ii) information for which premature disclosure would likely frustrate implementation of a proposed agency action, and/or (iii) specifically concern the discussion of information, the premature disclosure of which would likely negatively impact the agency's participation in an ongoing civil action or proceeding. Therefore, by approving these actions, the Board is invoking Exemptions (4), (9)(B) and (10) to close these portions of the meeting (5 U.S.C. § 552b(c)(4), (9)(B) and (10)).

A copy of each of the votes on the closure of each of these four portions of this meeting will be made publicly available on the UCR Plan website within one day of the votes taken herein (<https://plan.ucr.gov>).

XV. UCR Website and Email Service Addendum

The UCR Executive Director reviewed a proposed contract addendum for providing website and email services for the UCR Plan.

A MOTION was MADE and SECONDED to close this discussion. The MOTION CARRIED.

XVI. UCR Administrator (Kellen) Contract

The UCR Executive Director reviewed a proposed contract renewal with the UCR Administrator (Kellen).

A MOTION was MADE and SECONDED to close this discussion. The MOTION CARRIED.

XVII. Data Event Update

The UCR Chief Legal Officer provided an update to the Board on the status of certain aspects of the March 2019 data event.

A MOTION was MADE and SECONDED to close this discussion. The MOTION CARRIED.

XVIII. Update on Twelve Percent Logistics Litigation

The UCR Chief Legal Officer provided an update to the Board on the status of the litigation.

A MOTION was MADE and SECONDED to close this discussion. The MOTION CARRIED.

PORTIONS OPEN TO THE PUBLIC

XIX. Report of Actions Taken During Closed Portion of the Meeting

The UCR Board Chair reported on those actions taken during the closed portions of the meeting with respect to Items XV and XVI on the Agenda. The UCR Website and Email Service contract was approved. The UCR Administrator (Kellen) contract was approved.

XX. Other Business

The UCR Board Chair called for any business, old or new, from the floor. She also reminded the Board of the current schedule for the upcoming Board and Board Subcommittee meetings during the remainder of 2020.

XXI. Adjournment

The UCR Board Chair adjourned the meeting.